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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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Application No. 08/121,704 Filed 08/21/00

Corporate Patent Counsel
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08/21/04 13

EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED:

08/21/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/455,664

Applicant(s)

MELGAARD ET AL.

Examiner

Marianne S. Ocampo

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 09 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 2-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 2-7 & 9-12 is/are rejected.
- 7) ☐ Claim(s) 8 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 11.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 2 - 3, 5 - 6 and 10 - 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Trably (GB 2,284,563).

Trably (GB 563) discloses a filter (13) for use in a water heating vessel (10) for removing sedimentary material (particles) including scale from water wherein the filter (13) comprises a mesh material (14') provided with a frame (ribs 19, 19') and a scale collector (14), separate from the mesh material (14') and also coupled to the frame (19, 19'), and the scale collector (14) being supported by a carrier member (17) mounted on the frame (19, 19'), and the carrier member (17) being detachably mounted on the frame, as in figs. 1 - 3 and pages 1, 5 and 8 (claims 12 and 2 - 3). Trably also discloses the scale collector (14) being removably mounted on the carrier member (17), as in page 8 (claim 5), and the carrier member (17) being situated on a (upper or top) part of the frame (19, 19') which is away from the mesh material (14'), as in fig.

1 (claim 6). Furthermore, Trably discloses the scale collector (14) being coupled to the frame (19, 19') via the element/carrier member (17) towards an (top) end thereof which in use in the water heating vessel (10) is near the bottom of the vessel, compared to the other parts of the filter (13), such as than that of the mesh material (14'), as in fig. 1. Lastly, Trably discloses the water heating vessel (10) including the filter (13) as recited in claim 12, and the filter (13) being removably mounted within the vessel (10) and extending over a water outlet (18) thereof, as in fig. 1 and in pages 7 - 8 (claim 10), and the water vessel (10) comprising an electric kettle (10). as in the abstract and pages 1 - 8 (claim 11).

3. Claims 2 - 6, 9 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Heiligman (U.S. 5,652,008).

Heiligman (008) discloses a filter (10) for use in a container (14) of water, which may include water heating vessels, for removing sedimentary material including scale from water, wherein the filter (10) comprises at least one mesh material (48, 50) provided with a frame (46, 42) and a scale collector (52), separate from the mesh material (48, 50) and coupled to the frame (42), as in figs. 1 - 3 (claim 12). Heiligman also discloses the scale collector (52) being supported by a carrier member (70) mounted on the frame (42), and the carrier member (70) could be detachably mounted on the frame or permanently mounted on the frame, depending upon the type of suitable securing means used in securing/attaching the carrier member (70) to the frame (42), as in figs. 2 - 3 and col. 4 (claims 2 - 4). It is considered inherent that upon using

a suitable securing means (such as threaded engagement or tongue and groove arrangement between the carrier member and the frame) which would allow the detachment of the carrier member (70) from the frame (42, 46), the scale collector (52) would also be removably mounted on the carrier member (70) [claim 5]. Heiligman further discloses the carrier member (70) being situated on a part (60) of the frame (46, 42) away from at least one of the mesh material (48), as in figs. 2 - 3 (claim 6). Furthermore, Heiligman discloses the scale collector (52) being coupled to the frame (42) towards an (lower) end thereof which in use in a container/water heating vessel (14) is closest to the bottom of the vessel, as in figs. 1 - 2 (claim 9).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trably (GB 2284563) in view of Heiligman (008).

Trably (GB 563) has been expanded above. Trably also discloses the scale collectoor comprising a mesh material/cloth, as in pages 1 and 4 - 5, however, Trably fails to disclose the scale collector comprising a compacted mesh block. It is considered obvious to one of ordinary skill in the art at the time of the invention to modify the scale collector of Trably, which is a planar filter cloth/mesh, to a compacted mesh block, in order to provide an alternative filtering medium/scale removing medium which has larger filtering area and able to filter or remove scale from the water more effectively at an extended period of time, compared to the planar (thinner) filter mesh (claim 7). Trably also fails to disclose the carrier member being permanently mounted on the frame (as in claim 4) and the scale collector being coupled to the frame towards an end thereof which is closest to the bottom of a water heating vessel when the frame and the filter is assembled therein (as in claim 9). Heiligman teaches a filter for use in a container which could be a water heating vessel/kettle (14), and the filter comprising a mesh material (48) with a frame (42, 46) and a scale collector (52), separate from the mesh material (48) and coupled/mounted to the frame (42, 46), as in fig. 2. Heiligman also teaches the scale collector (52) being supported by a carrier member (70) which is permanently mounted on the frame (42, 46), as in col. 4 (claim 4). Heiligman further teaches the scale collector (52) being coupled to the frame (42, 46) via carrier member (70) towards an end thereof which is closest to the bottom of the vessel (14), as in figs. 1 - 2 (claim 9). It is considered obvious to one of ordinary skill in the art at the time of the invention to modify the filter of Trably (GB 563), by substituting it with the filter assembly (20) taught by Heiligman, in order to provide an alternative filter design

which also has ability to remove particles including scale from water, as well as bad taste and odor from the water.

Response to Amendments and Arguments

6. Applicants' arguments with respect to claims 2 - 12 have been considered but are moot in view of the new grounds of rejection. Applicants amendments filed on 2-9-01 necessitated the new grounds of rejection presented in this Office action.

7. The arguments regarding the primary reference, Trably (GB 2,284,563) which the applicants regarded as lacking merit in the rejection made under 35 U.S.C. 102 (b) is non-persuasive and untrue. Trably as mentioned in the rejection above, does disclose a filter which is able to remove scale, comprising a mesh material (14') and a scale collector (14) which is also a mesh material, separate from the other mesh material (14') and coupled to a frame (19, 19'). Here, the examiner has considered the broadest interpretation that the frame could be any structure which provides direct or indirect support to the other parts of the filter. In this interpretation, Trably provides such a support or frame in the form of the ribs (19, 19'). In this particular interpretation, all the elements of the base claim 12 has been met. See the above rejections under 35 USC 102(b) and 103(a) for other claimed limitations which had been anticipated and made obvious by the same reference and the secondary reference, Heiligman (008).

8. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

9. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Allowable Subject Matter

10. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: As previously indicated in the last office action (Paper No. 9) in page 7, paragraph 11, none of the prior art searched, alone or in proper combination, has disclosed or rendered obvious a filter having all the structural limitations recited in the base claim 12, and

including those limitation in the intervening claim 7, and further the carrier member having a part which extends through a bore in the scale collector mesh block and the scale collector block being rotatable around the part extending through the bore of the scale collector mesh, as recited in claim 8.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patents 427,568 (Halstead), 915, 324 (Baily), Japanese Patent JP 03277321 (Okita) and UK Patent GB 2,251,547 (Halliday).

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marianne S. Ocampo whose telephone number is (703) 305-1039. The examiner can normally be reached on Mondays to Fridays from 8:00 A.M. to 4:30 P.M..

13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on (703) 308-0457. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3599 for regular communications and (703) 872-9311 for After Final communications.


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